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C O N F I D E N T I A L SECTION 01 OF 02 ADDIS ABABA 002393

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DEPARTMENT FOR CA/VO/L/A:JGORSKY, CA/VO/L/C, AF/E AND
DRL:S.JOSEPH
LONDON, PARIS, ROME FOR AFRICA WATCHER
CJTF-HOA AND USCENCOM FOR POLAD

E.O. 12958: DECL: 07/26/2017
TAGS: [CVIS](#) [PHUM](#) [KJUS](#) [KDEM](#) [PGOV](#) [ET](#)
SUBJECT: REQUEST FOR ADVISORY OPINION: PARDONED ETHIOPIAN
OPPOSITION LEADERS

REF: A. ADDIS ABABA 02284 AND PREVIOUS
[1](#)B. JULY 25 GONZALES-GORSKY EMAIL

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Classified By: ACTING POL-ECON COUNSELOR: SEAN CELY.
REASON 1.4 (d).

[1](#)1. (C) ACTION REQUEST: Per 9FAM 40.21(a) N10 "Political Offenses," and Ref B, Post requests formal determination from CA/VO/L/A that the convictions of Berhanu Nega and Yacob Hailemariam constitute "political offenses." These individuals have applied for reinstatement of their LPR status, but for reasons not under their control, have been outside the U.S. for longer than the one-year legal period. The applicants are leaders of Ethiopia's largest opposition party, the Coalition for Unity and Democracy (CUD), and were accused, convicted, sentenced and pardoned for several crimes in a trial (ref A) deemed as entirely political by Post and many others in the international community. Post requests that these convictions not interfere with their application as they can be deemed as "obviously based on fabricated charges."

[1](#)2. (SBU) On July 25, Post was contacted by Berhanu Nega and Yacob Hailemariam seeking to reinstate their status as LPR and to return to the U.S. They filed their application on July 26.

BACKGROUND: 20 MONTHS OF POLITICAL TRIAL DESTABILIZES ETHIOPIA

[1](#)3. (U) Ethiopia's third general elections under the current government took place in May 2005. These elections were widely hailed by the USG and others in the international community as the most democratic elections in Ethiopia's history. Though there was some evidence of voter interference, the elections were considered generally free and fair. The official results showed that the number of seats in the Parliament held by opposition groups rose from 12 to 172. The results indicated that the largest opposition group, the CUD, won 109 of the 172 seats. In addition, the CUD won 137 of 138 seats in the Addis Ababa city council. Despite this, opposition groups, including the CUD, alleged the ruling Ethiopian People's Revolutionary Democratic Front

(EPRDF) engaged in vote rigging. Several CUD parliamentarians and many in the Addis Ababa city council boycotted and refused to take their seats until the situation was remedied, which was to include reform of key federal government institutions.

14. (U) Though the government had instated a ban on public demonstrations immediately following the elections, separate incidents of demonstrations turned violent in early June and early November 2005. Demonstrators were met in the streets by police and special forces of the military, leading to deadly clashes. A subsequent investigation by the GoE found that 193 civilians and 6 police officers were killed as a result. Following the November demonstrations, tens of thousands of people suspected of organizing or participating in the demonstrations were arrested. Most were released within weeks, but a few hundred were detained and had formal charges filed against them by the GoE. These defendants included all of the top leadership of the CUD (including Addis Ababa mayor-elect Berhanu Nega and Federal parliamentarian Yacob Hailemariam), several journalists and members of civil society. The charges filed against them included: "Outrages Against the Constitution," "Obstruction of the Exercise of Constitutional Power," "Inciting, Organizing or Leading an Armed Rebellion," "Impairing the Defensive Power of the State," "High Treason," and "Attempted Genocide."

15. (U) The prolonged trial of these high-profile detainees was closely followed by the international community and in particular by Post, who had an observer present at nearly every court session. Post, and other diplomatic missions and international NGOs repeatedly called for the immediate release of these prisoners and have publicly labeled them "political prisoners."

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16. (C) While some of the charges were eventually thrown out by the court, including "High Treason" and "Attempted Genocide," and some of the lower-profile detainees released, the leaders of the CUD were convicted on June 11, 2007 and sentenced to life in prison on July 16. Berhanu Nega and Yacob Hailemariam were convicted of "Outrages Against the Constitution," "Obstruction of the Exercise of Constitutional Power," and "Impairing the Defensive Power of the State." Most defendants, including the CUD leadership, chose not to defend their case on the grounds that they felt that the court was under the influence of the GoE and was "illegitimate." Despite these, in Post's opinion, the evidence presented by the federal prosecution did not in any way prove that the defendants had any role in leading, organizing or taking part in the demonstrations of 2005, and that the verdicts concluded what was an entirely political trial for the CUD leadership.

17. (SBU) A group of negotiators, known informally as the Ethiopian Elders, was quietly working behind the scenes for many months to secure the release the detainees. Immediately following the sentencing of the CUD leadership, the GoE announced plans to grant a pardon to those convicted and who had signed a "letter of regret." Of those detained, 71 signed this statement, including all of the CUD leadership, and the 38 convicted detainees were released on July 20. The case of the remaining detainees, including the other 33 who have signed this letter await sentencing and subsequent pardon.
YAMAMOTO